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(Original Signature of Member)

113TH CONGRESS  
2D SESSION

# H. R. \_\_\_\_\_

To provide for coordination between the TRICARE program and eligibility for making contributions to a health savings account.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. STEWART introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To provide for coordination between the TRICARE program and eligibility for making contributions to a health savings account.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans TRICARE  
5 Choice Act”.

1 **SEC. 2. COORDINATION BETWEEN TRICARE PROGRAM AND**  
2 **ELIGIBILITY TO MAKE CONTRIBUTIONS TO**  
3 **HEALTH SAVINGS ACCOUNTS.**

4 (a) IN GENERAL.—Section 223(c)(1)(B) of the Inter-  
5 nal Revenue Code of 1986 is amended by striking “and”  
6 at the end of clause (ii), by striking the period at the end  
7 of clause (iii) and inserting “, and”, and by adding at the  
8 end the following new clause:

9 “(iv) coverage under the TRICARE  
10 program under chapter 55 of title 10,  
11 United States Code, for any period with  
12 respect to which an election is in effect  
13 under section 1097d of such title providing  
14 that the individual is ineligible to be en-  
15 rolled in (and receive benefits under) such  
16 program.”.

17 (b) PROVISIONS RELATING TO ELECTION OF INELI-  
18 GIBILITY UNDER TRICARE.—

19 (1) IN GENERAL.—Chapter 55 of title 10,  
20 United States Code, is amended by inserting after  
21 section 1097c the following new section:

22 **“§ 1097d. TRICARE program: Election of eligibility**

23 “(a) ELECTION.—A TRICARE-eligible individual  
24 may elect at any time to be ineligible to enroll in (and  
25 receive any benefits under) the TRICARE program.

1           “(b) CHANGE OF ELECTION.—(1) If a TRICARE-eli-  
2     gible individual makes an election described in subsection  
3     (a), the TRICARE-eligible individual may later elect to  
4     be eligible to enroll in the TRICARE program. An election  
5     made under this subsection may be made only during a  
6     special enrollment period.

7           “(2) The Secretary shall ensure that a TRICARE-  
8     eligible individual who makes an election described in sub-  
9     section (a) may efficiently enroll in the TRICARE pro-  
10    gram pursuant to an election under paragraph (1), includ-  
11    ing by maintaining the individual, as appropriate, in the  
12    health care enrollment system under section 1099 of this  
13    title in an inactive manner.

14          “(c) PERIOD OF ELECTION.—If a TRICARE-eligible  
15    individual makes an election described in subsection (a),  
16    such election shall be in effect beginning on the date of  
17    such election and ending on the date that such individual  
18    makes an election under subsection (b)(1) to enroll in the  
19    TRICARE program.

20          “(d) CROSS REFERENCE RELATING TO HEALTH  
21    SAVINGS ACCOUNT PARTICIPATION.—For provision allow-  
22    ing participation in a health savings account in connection  
23    with coverage under a high deductible health plan during  
24    the period that the election under subsection (a) is in ef-

1   fect, see section 223(c)(1)(B)(iv) of the Internal Revenue  
2   Code of 1986.

3       “(e) RECORDS.—The Secretary shall ensure that a  
4   TRICARE-eligible individual who makes an election de-  
5   scribed in subsection (a) is maintained on the Defense En-  
6   rollment Eligibility Reporting System, or successor sys-  
7   tem, regardless of whether the individual is eligible for the  
8   TRICARE program during the period of such election.

9       “(f) DEFINITIONS.—In this section:

10       “(1) The term ‘TRICARE-eligible individual’  
11   means an individual who is eligible to be a covered  
12   beneficiary entitled to health care benefits under the  
13   TRICARE program (determined without regard to  
14   this section).

15       “(2) The term ‘special enrollment period’ means  
16   the period in which a beneficiary under the Federal  
17   Employees Health Benefits program under chapter  
18   89 of title 5 may enroll in or change a plan under  
19   such program by reason of a qualifying event or dur-  
20   ing an open enrollment season. For purposes of this  
21   section, such qualifying events shall also include  
22   events determined appropriate by the Secretary of  
23   Defense, including events relating to a member of  
24   the armed forces being ordered to active duty.”.

1           (2) CONFORMING AMENDMENT.—The table of  
2           sections at the beginning of such chapter is amended  
3           by inserting after the item relating to section 1097c  
4           the following new item:

“1097d. TRICARE program: Election of eligibility.”.